

Carbon County Master Plan - Public Lands & Resources Objectives, Policies and Strategies

Public Lands - Federal Agencies

Nearly 49 percent of the land in Carbon County is federal public land. All residents of the County rely on these lands in ways they may not be aware of for their livelihood, resources, recreation and other uses. Due to this close relationship, land use decisions concerning public land management directly impact the interests of the County. As the largest land managers in the County, the United States Forest Service and the Bureau of Land Management Resource Management Plans shall be consistent with County plans and policies to the maximum extent consistent with federal law.

While private property is the cornerstone of the County, it is important to note that public lands resource extraction such as coal mining and coal bed methane extraction is the mainstay of our employment and tax base. Local merchants rely on income from sales of items such as all terrain vehicles, snowmobiles, hunting, fishing, camping gear, groceries, and gasoline which are used or consumed on public land. The largest out-of-town consumers of these goods are mining, drilling and mineral exploration contractors and suppliers, with tourists and recreational land users second. The same can be said for restaurants, convenience stores, hotels and motels. A tour of motel and restaurant parking lots will verify this. Another historic and continuing source of our economic stability is agriculture. Of over four million dollars in gross receipts for livestock in Carbon County in 2002, nearly three million were realized from stock that graze on public lands all or part of the year.

Currently, federal law, and agency planning directives provide opportunities for local governments to participate actively in public land management decisions through the Resource Management Planning process of the US Bureau of Land Management and the US Forest Service. Rule making, court decisions, such as Uintah County vs. Norton and other actions impact these lands. Carbon County will continue to participate actively in planning, and to build on the existing relationships with The Manti-LaSal National Forest Managers, and the Bureau of Land Management personnel, in the Price River Resource Area.

Objective: *Remain active in federal land planning.....*

The County has identified past challenges with the existing relationship between the public land agencies and the County. Through recent revisions of both the Forest and BLM Resource Management Plans we found opportunities to interface with local

managers to solve problems. The County Planning Department is currently staffed by a Director, Zoning Administrator and Lands and Access Coordinator. The staff responds to requests for input on a variety of issues ranging from access, Wild and Scenic Rivers proposals, Wilderness proposals, resource extraction, recreation, social & economic data, timber, cultural and paleontology resources and other major concerns. Time and priorities dictate that some issues will receive more attention than others. The County has become pro-active in responding and directing policy on public land issues. County plans should be kept current so that federal plans can conform to the maximum extent with this plan.

To accomplish this, the County Commission will utilize the Planning Department, other County staff, ad-hoc committees, subject matter experts, and consultants, to work with federal land managers to monitor land use plans and maintain the Master Plan per Utah Code. Staff will track current issues and proposed actions and report findings to the Commission. Policy directives from the Commission will be administered through staff as appropriate.

These are County Policies

Encourage No Net Loss of Private Lands or Tax Base

The majority of lands in Carbon County are presently owned by the Federal and State government.

Much of the stewardship of these public lands and water sheds, along with improvements to and the maintenance of these improvements, have been at the expense of resource industries, grazing permit holders, and taxpayers. Recognizing that the future prosperity, social and economic justice, and quality growth of the County depends on the highest and best uses of private land and water coupled with multiple use and sustained yield on public lands, Carbon County's policy is to encourage private landowners through contract negotiations, tax incentives and other voluntary means to make decisions regarding land transactions in such a way as to prevent the net loss of private lands in the County, along with our tax base, grazing permits, animal unit months, mineral claims or water rights. In furtherance of this policy, the County will encourage Federal/State land exchanges that are equal in acreage and/or value, and will encourage private landowners through the afore-mentioned voluntary means to sell land to governments only on condition that (1) those governments make other public lands and water rights in Carbon County available for private acquisition in an equal amount and value, and (2) the County finds that such sale is in the best interests of

local citizens. Federal and State agencies considering a purchase of private lands and water rights will be encouraged by the County to make available for private acquisition an equal amount of public land and water rights as a condition of the purchase of the private land or water rights.

Carbon County officials and staff will periodically evaluate the percentage of public and private lands in the County to determine impacts to our tax base.

Wilderness

The County adopted a Wilderness Proposal on April 1, 2003 which complies with the 1964 Wilderness Act and the Recreation Opportunity Spectrum. This proposal takes many facts into consideration. In view of the April 11, 2003 out-of-court settlement of the suit brought by The State of Utah, The Utah Association of Counties and the School Institutional Trust Lands Administration against the Department of Interior, we expect that all wilderness study or inventory areas identified in the County after 1991, be re-categorized as lands to be managed for multiple use and sustained yield, and to be open for oil, gas and mineral leasing, and other legal and pre-existing uses. The County Wilderness proposal contains approximately 13,000 acres and buffers the private lands captured within the area. All known road right-of-ways are 3 miles from the wilderness area as specified in the 1978 Recreation Inventory Handbook. Because the topographic and vegetative conditions in the area would not screen out the sights and sounds of humans, the County is not willing to allow a degrading of the recreation experience of any future visitors to this wilderness area due to that visitor's perception of the roads and human activity in the area. Our experience with the siting of gas wells and compressor stations also persuades us against a lesser distance than 3 miles. The Utah School Institutional Trust Lands in the area must be traded out as part of any wilderness designation.

The County wishes to maintain a future transportation and energy corridor oriented east west across the Green River, and north south across Nine Mile Canyon. We cannot isolate our County by closing off the entire eastern boundary, and portions of the northern border. We wish to preserve our citizens' water rights and our mining, farming, ranching, hunting, and other customs and culture.

Goals, Objectives and Strategies

1. **Goal:** The Congressional designation of approximately 13,000 acres of wilderness within the boundary of Carbon County, which complies with the 1964 Wilderness Act.
 - 1.1 **Objective:** Cooperate with the Utah Association of Counties to pursue the eventual passage by Congress of a Utah Wilderness Act.
 - 1.1.1 **Strategy:** Monitor progress of any Utah Wilderness bills in the United States Congress.
 - 1.1.2 **Strategy:** Oppose the Red Rock Wilderness Bill, proposing over nine million acres of Wilderness in Utah.
 - 1.1.3 **Strategy:** Support the passage of any Wilderness Bill that reflects the wishes of the elected Commissioners of Utah.

Lead Responsibility: Planning Department, GIS Department, and subject matter experts as needed.

Wild and Scenic Rivers

The US Forest Service and the Bureau of Land Management have proposed eventual designation of numerous wild and scenic rivers in the County. Any such designations can have devastating consequences on water rights and proper land management we are concerned about these proposals, many from special interest groups, for intermittent and minor streams such as Gordon Creek, Nine Mile Canyon and others. Such designations could cripple agriculture. The Price River corridor from Scofield Reservoir to Helper is especially important as this is our primary source of culinary, industrial and agricultural water. Any interruption of our ability to maintain this corridor to protect the railroad, water lines, highway and other critical parts of our infrastructure concern us. The County will also look closely at the Upper Fish Creek area as critical to our watershed. Special designations of any kind that impact our ability to manage our fresh water supplies will be viewed with caution. Another layer of protection is not warranted. There are enough regulations currently in place. As part of the ongoing process, the County will continue to analyze information and make recommendations. The County opposes the usurpation of authority by the BLM and Forest Service to apply interim so-called “protective” management measures on proposed wild and scenic river segments. No such authority exists to manage those segments any other way than pursuant to the FLPMA multiple-use mandate, unless and until such segments have actually been designated by Congress for addition to the national wild and scenic river

system. The County also opposes the ludicrous interpretation by some in the BLM who would apply the Wild and Scenic River Act to segments that are nothing more than dry or partially dry washes.

Goals, Objectives and Strategies:

2. **Goal:** To oppose all facets of Wild and Scenic River Designation within Carbon County.

2.1 **Objective:** Work with fully informed local elected officials to identify impacts to the local economy and lifestyles, then register written and verbal opposition to any Wild and Scenic River designations whatsoever in the County.

2.1.1 **Strategy:** Attend all public meetings, hearings and inter-agency work meetings to register Carbon County's opposition to Wild and Scenic River designations.

2.1.2 **Strategy:** Submit in writing to all inter-agency requests, Carbon County's opposition to Wild and Scenic River designations.

2.1.3 **Strategy:** Express to all concerned that Carbon County is not interested in any kind of compromise on this issue; compromise is too often seen as support.

2.1.4 **Strategy:** Notify all local governments of impending federal actions and coordinate a unified response.

Lead Responsibility: County Planning Department, County GIS Department, Planning Commission, and subject matter experts as needed.

Fish and Wildlife

Carbon County is home to numerous and abundant game and non-game animals and fish. We value fish and wildlife as a source of recreation and enjoyment, as well as one means to feed our families, and as a potential for tourism and recreation for visitors to hunt, fish and view wildlife. Some prefer to hunt with a camera. Federal lands, woodlands and forests are key to maintaining a healthy population of fish and wildlife.

The County recognizes the authority of the Utah Division of Wildlife Resources on public lands and their efforts to maintain and improve habitat. Opportunities for cooperation between the County, the UDWR, and federal agencies will be pursued. The County will assist agencies in disseminating information and implementing methods to increase the usability of public lands for fish and wildlife. Private land provides a substantial amount of wildlife habitat in Carbon County due to agriculture and water associated with private lands. Projects to improve game range on public land will benefit wildlife and livestock. Range and stream improvement projects using quality data and good science will be a priority. As part of the ongoing effort to protect big game animals from being killed and injured on highways, adequate fencing will be encouraged in areas prone to this waste, especially along US Highway 6 and Utah Highways 96, 10, 157 and 191.

Goals, Objectives and Strategies:

3. **Goal:** Maintain and improve habitat on public land.

3.1 **Objective:** Support and cooperate with the Utah Division of Wildlife Resources for projects related to wildlife management decisions.

3.1.1 **Strategy:** Stay informed of the state and federal agencies' management of game and non-game animals.

3.1.2 **Strategy:** Attend local, state and regional meetings involving wildlife issues.

3.1.3 **Strategy:** Review federal and state resource management plans and public notices of impending actions to ensure compliance with this plan.

3.1.4 **Strategy:** Evaluate proposed developments and land uses for impacts to wildlife. Require mitigation when deemed necessary.

3.1.5 **Strategy:** Coordinate information for dissemination to County Commissioners and officials.

3.2 **Objective:** Ensure an adequate amount of forage for wildlife on public lands

- 3.2.1 **Strategy:** Cooperate with federal and state agencies to monitor range conditions and to ensure rangeland health, forage, and grazing stability.
 - 3.2.2 **Strategy:** Identify the amount of forage allocated to wildlife on each allotment, and support the improvement of range to ensure that wildlife is provided for with the maximum amount of forage available.
 - 3.2.3 **Strategy:** Cooperate with The Utah Division of Wildlife Resources and the federal agencies to identify and map forage for wildlife.
- 4. **Goal:** Ensure the continued viability of the Gordon Creek Wildlife Refuge as big game habitat.
 - 4.1 **Objective:** Stay informed of the loss of sagebrush and invasion of Downy Brome and other undesirable grasses in the Gordon Creek area.
 - 4.1.1 **Strategy:** Communicate with UDWR managers to monitor loss of sage in the Gordon Creek area.
 - 4.1.2 **Strategy:** Encourage funding and methods to replace sage with appropriate grasses.
 - 4.2 **Objective:** Strictly oppose the designation of Gordon Creek as a Wild and Scenic River, which would add a restrictive layer of regulation, limit management options and threaten water rights.
- 5. **Goal:** Find ways to increase the taking of elk in the eastern portion of the County to bring populations in line with UDWR management goals.
 - 5.1 **Objective:** Encourage more public access to public lands in areas where elk can be taken without impacting the private property, and where elk hunting would be valuable to the land owners who provide guiding and outfitting.
 - 5.1.1 **Strategy:** Cooperate with the Bureau of Land Management and private land owners to identify and dedicate access to public lands.

- 5.1.2 **Strategy:** Educate hunters regarding the proper respect of private property and low impact, ethical hunting.
- 6. **Goal:** Ensure that the Sage Grouse remains under the management of UDWR and does not become listed as threatened or endangered.
 - 6.1 **Objective:** Identify and monitor sage grouse habitat.
 - 6.1.1 **Strategy:** Keep current maps of sage grouse habitat from UDWR for reference when approving developments.
 - 6.1.2 **Strategy:** Refer questions about sage grouse and their habitat to the South East Region UDWR office for recommendations.
 - 6.2 **Objective:** Participate with UDWR to provide suitable habitat for sage grouse, and for any/all other sensitive species, in order to keep them from becoming threatened or endangered.
- 7. **Goal:** No net loss of private lands.
 - 7.1 **Objective:** All acquisition of private lands by the state shall be balanced with equal areas of lands being offered for sale to the public.
 - 7.1.1 **Strategy:** Notify federal and state agencies that Carbon County must be informed when they propose to acquire private land.
 - 7.1.2 **Strategy:** Review all proposed land purchases or exchanges by the State of Utah to ensure compliance with this plan.

Lead responsibility: County Commission, Planning Department, Planning Commission, ad-hoc committees and subject matter experts as needed.

Wild Horses

Carbon County is home to a herd of about 88 wild horses descended from Ute Tribal horses and inter-bred with some ranch-raised horses. We value this herd and wish them to remain disease free and to thrive. We want to see these herds managed as a

vigorous and stable population with appropriate age and sex ratios, and with genetic viability. This requires that BLM maintain the health of grasses and vegetation in order to create and maintain water sources for animals on the open range. Wild horses with access to water do not usually move onto private lands or other inappropriate areas where they can become nuisances.

Goals, Objectives and Strategies:

8. **Goal:** Work with the Bureau of Land Management to ensure that the County's wild horse population is maintained in a vigorous and healthy condition.
 - 8.1 **Objective:** Maintain parity in the ratio of wild horses to domestic animals on the range.
 - 8.1.1 **Strategy:** Include County representatives in annual BLM counts of animals on the range.
 - 8.1.2 **Strategy:** When range conditions require permit holders to decrease their AUM's, then decrease wild horse herds by proportionate numbers.
 - 8.2 **Objective:** Maintain number of wild horses and burros as near as possible to BLM's appropriate management levels, as identified in their Resource Management Plan, November 2002.
 - 8.2.1 **Strategy:** Allow no more than 100 wild horses, and zero (0) burros.
 - 8.2.2 **Strategy:** Require BLM to hold populations at this level.
 - 8.2.3 **Strategy:** Do not allow the introduction of burros.
 - 8.3 **Objective:** Manage wild horse herds so as to keep them vigorous, healthy animals.
 - 8.3.1 **Strategy:** Conduct random veterinarian checkups of wild horses every three (3) years, to identify any/all diseases present.
 - 8.3.2 **Strategy:** List any/all diseases present in wild horse herds.

8.3.3 **Strategy:** When necessary, vaccinate or otherwise treat wild horses for diseases that could be transmitted to domestic livestock and/or humans.

8.4 **Objective:** Assure healthy range for wild horses.

8.4.1 **Strategy:** Identify natural drainage features where ponds can be constructed and maintained, and where surface water run off can supply water for horses, livestock and wildlife.

8.4.2 **Strategy:** Remove natural and legal barriers which prohibit the construction and maintenance of water ponds.

8.4.3 **Strategy:** Maintain health of grass and vegetation on wild horse rangelands.

Lead Responsibility: Planning Department, Planning Commission, Ad-Hoc Committees, and subject matter experts as needed.

Access

Access onto and across public land is key to the success of our civilization and to the proper management of the resources present on the lands managed by the Bureau of Land Management and the United States Forest Service. Without access to land, water and resources, our citizens cannot maintain their present level of prosperity or enjoy the quality of life they now enjoy. Over the past decades, outside interest groups have exerted political pressure on federal agencies through their massive fund raising and lobbying efforts to close access in the west.

Recent events have returned the discussion to a more logical solution of the conflicts over roads and Revised Statute 2477 which granted “rights-of-way for the construction of highways across public lands not otherwise reserved” to the American people. Carbon County began mapping class D and RS 2477 rights-of-way in 1993. The Utah Automated Geographic Reference Center has also mapped rights-of-way, and we continue to further document these historic highways.

The definition of a highway is interchangeable with the terms navigable streams and roads. Some land routes are mere trails, presently useable only by horse or foot. Others can be used by four wheeled vehicles. Most can be used by pickup trucks and jeeps. Many others can be used by semi- tractor-trailer vehicles for moving drilling equipment and other materials, or for transporting livestock.

The present condition of these rights-of-way depicts their appropriate present uses, until improvements are made to widen, drain and gravel or hard surface them. It is important to note the difference between the terms “road” and “right-of-way”. A road is the physical manifestation of a right-of-way. A right-of-way is the right to pass over, even if the physical evidence of a road is overgrown or washed away. County road right-of-ways are under the control of the County Commission and continue in perpetuity until vacated by the County and/or State.

The Memorandum of Understanding between the State of Utah and the US Department of Interior regarding these rights-of-way recognizes that the term road and highway are synonymous. Carbon County intends to keep all existing road right-of-ways. The County will determine the maintenance level and scope of these roads, which may range from simple travel across the right-of-way, to grading, drainage structures, gravel, surfacing and signs to ensure a reasonably safe trip for the traveling public.

The State of Utah and each individual citizen share these rights-of-way and they shall remain open for the public until vacated by the County Commission. The physical appearance or condition of the highway, road, or trail will depict its proper uses until such time as it may be upgraded or changed. The Carbon County Commission has plenary authority over County roads.

Goals, Objectives and Strategies:

9. **Goal:** Assure viability of Carbon County’s transportation system.

9.1 **Objective:** To identify and document all County right-of-ways.

9.1.1 **Strategy:** Work with State of Utah agencies and organizations such as Automated Geographic Reference Center, The Attorney General, Utah Department of Transportation, The Utah Association of Counties and others to build a Geographic Positioning System data base consisting of centerline descriptions and other pertinent data, such as width and surface material for each such road, highway or trail, and then complete and maintain mapping of the rights-of-way.

9.2 **Objective:** To develop and maintain County right-of-ways.

- 9.2.1 **Strategy:** Use Utah Law and County standards in determining the width and other standards under which all rights-of-way are governed.
- 9.2.2 **Strategy:** Widen and improve existing County roads as needed for taxpayers, the traveling public, industry, agriculture and any other safety or economic concern. Whenever it becomes necessary to widen or improve a road or highway, the County, using good engineering practices, will cause by contract or County forces, any necessary and reasonable construction to accommodate new uses or safety concerns. State law shall govern.
- 9.3 **Objective:** Keep existing access in Carbon County open for use without any restrictions or impediments other than those naturally occurring, such as winter closures, landslides, or other events which are beyond the control of man.
 - 9.3.1 **Strategy:** Refer to the RS 2477 grants as rights-of way, not roads, paths, or ways. Use established laws, ordinances and case law and to defend these rights to the maximum extent necessary.
 - 9.3.2 **Strategy:** Work to keep non-RS 2477 rights-of-way open on federal lands, understanding that in most cases, these issues will be considered individually, upon the agreements made at the time of establishment of the road, or when it was permitted.
- 9.4 **Objective:** Assist County landowners to obtain rights-of-way/easements across federal lands when in the best interest of the County and/or landowner.

Lead Responsibility: County Planning Department, County Road Department, County GIS Department, and subject matter experts as needed.

Timber and Forest Product Harvesting

Timber and forest products are essential to our quality of life. Woodlands that are periodically thinned and otherwise managed to prevent or reduce insect infestation and the ravaging effects of fire, are the healthiest, most productive, and most conducive to

all interests ranging from recreation to timber harvesting. Lumber for commercial and light construction has been produced in the County off and on for over a century. The local sawmill is presently closed due to a shortage of timber, caused in part by federal roadless initiatives, the inability of the US Forest Service to conclude a timber sale, and the failure of the Bureau of Land management to manage their forested land.

This situation can be corrected by a change in federal directives and policy, and by revising the BLM and Forest Service land use plans. Such management will help create and maintain a healthy watershed, better wildlife and livestock management, and will support the National Energy Plan, the Healthy Forest Initiative, and Multiple Use and Sustained Yield Act.

This management will also reduce fire threats and loss of water sheds and water quality. Firewood and other forest products can be utilized by local citizens, as part of fire reduction programs. Much of our forests are currently threatened by fire, spruce bark beetle infestations, and other pestilence. Logging is a legal, effective, and appropriate method of reducing fire danger.

10. **Goal:** To maintain a continuous supply of timber and to protect water sheds and water quality through minimization of soil erosion and other deleterious effects from insect damage and catastrophic fires.

- 10.1 **Objective:** Identify and map forests and woodlands, which occur mostly on federal lands.

- 10.1.1 **Strategy:** Require BLM to recognize that they have forest lands within the Price River Resource Management Area.

- 10.1.2 **Strategy:** Request that BLM managers recognize the need for a forester staff position to manage region forests.

- 10.1.3 **Strategy:** Define forested land as an area that can produce 20 cubic feet of timber per acre per year.

- 10.1.4 **Strategy:** Define woodlands as an area that supports pinion and juniper forests.

- 10.2 **Objective:** Manage forests and woodlands for commercial production and non-commercial harvesting of resources.
 - 10.2.1 **Strategy:** Encourage the commercial and non-commercial harvesting of forests and woodlands, to the maximum extent possible, through Forest Service and Bureau of Land Management plans and policies.
 - 10.2.2 **Strategy:** Rely on the County ordinance to regulate all timber harvesting on private lands.
 - 10.2.3 **Strategy:** Require that federal agencies comply with The Organic Act 94-579 for the Forest Service, and FLPMA for the BLM.
- 11. **Goal:** Extinguish all fires on woodlands and forests that endanger natural wildlife habitat or human life and property.
 - 11.1 **Objective:** Require that fire and burn management policies be in place on all forests and woodlands in the County.
 - 11.1.1 **Strategy:** Comply with the current Wildland and Prescribed Fire Management Policy.
 - 11.1.2 **Strategy:** County staff, in consultation with the county forester, will write a fire management plan.
 - 11.2 **Objective:** Assist in fighting fires through a cooperative effort between the federal agencies and the County.
 - 11.2.1 **Strategy:** With the plan as a basis, the County will participate with BLM and USFS in preparation of an annual fire plan, and will apply for grants and other funding to alleviate fire fighting expenses.
 - 11.2.2 **Strategy:** Be signatory to an agreement with federal agencies that guarantees payment to the County for our share of fire fighting costs.

11.2.3 **Strategy:** Support the State Department of Natural Resources, Division of Forestry, Fire and State Lands Report of June 2003, titled "Forest Health in Utah".

12. **Goal:** Preserve our watershed and ensure that reclamation occurs on areas destroyed by fire.

12.1 **Objective:** Maintain the office of County Forester, who, in cooperation with federal agencies and private land owners, can accomplish reclamation on both federal and private lands.

12.1.1 **Strategy:** Be signatory to an agreement with federal agencies and the state that ensures reclamation of public and private land damaged by fire.

12.1.2 **Strategy:** Assure that the County Forester maintains a level of service to landowners such that the position will be of value and will be funded annually.

Lead responsibility: County Forester, Planning Department, County Commission.

Resource and Mineral Extraction

As evidenced by our name, Carbon County was founded on the industry of coal extraction. It is central to our history, custom, culture and livelihood. Our many carbon resources and other valuable minerals will continue to be the major source of income to residents.

Travel and tourism complement our economy. But if coal is king, gas is queen, and the future of Carbon County cannot exclude the potential for mineral extraction. The County allows free use of all rights-of-way for recreation and tourism, and encourages federal agencies to be flexible with Title V rights-of-way. However, as is referenced in the economic development and access sections of this plan, the County must guard all aspects of resource and mineral extraction.

Goals Objectives and Strategies:

13. **Goal:** Encourage extractive industries to be in compliance with federal, state and county laws and regulations, while protecting multiple use concepts and rights to access.
 - 13.1 **Objective:** Work with federal agencies to streamline the permitting process locally for extractive industries.
 - 13.1.1 **Strategy:** Provide extraction companies with contact information for state and federal agencies.
 - 13.1.2 **Strategy:** Assist extraction companies to obtain County-required zone changes and/or conditional use permits.
14. **Goal:** Discourage costly and unnecessary legal actions brought by special interest groups opposed to mineral extraction and other multiple uses.
 - 14.1 **Objective:** Assure timely progress of resource and mineral extraction, while causing those who initiate frivolous law suits to bear the costs of those suits.
 - 14.1.1 **Strategy:** Encourage those wishing to protest or oppose a project to bring their complaints through the regular County process, i.e. planning staff, Planning Commission and County Commission, first. Then, if a satisfactory solution cannot be reached, they can take their concerns through the courts.
 - 14.1.2 **Strategy:** Ask that federal agencies institute a bonding requirement for parties who would file appeals, protests and lawsuits which require legal action by the proponent of a project.
 - 14.1.3 **Strategy:** If the protest or suit is found to be frivolous, award the proponent's legal and other costs or fees from this bond.
15. **Goal:** Use public lands for multiple use, for the good of all the people.
 - 15.1 **Objective:** Vigorously pursue multiple use land policies on federal lands, where traditional and appropriate.

- 15.1.1 **Strategy:** Educate the public, both residents and visitors to the County, of the importance of multiple use, responsible land use and the values which our society derives from these lands.

Lead Responsibility: Economic Development Director, Planning Department.

All Terrain and Off Highway Vehicles

The recreational use of all terrain and off highway vehicles has become a major focus of the Bureau of Land Management and the US Forest Service. Also, Carbon County has adopted a trails annex to this plan and will continue to revise that plan as conditions change. The County has designated the Dry Valley, Pondtown and Fish Creek roads located west of Scofield Reservoir as OHV open routes, and are considering other similar designations.

This activity is important to the economy of the County and is expected to grow in popularity. Actions should be taken now to ensure the proper use of these recreational vehicles and to preserve routes open for their use. Maps of the routes should be readily available to citizens and visitors.

Conflicts with equestrians, hikers, and other trail users can be minimized by a careful study of areas, and dedication of some roads primarily for this use.

Goals, Objectives and Strategies:

16. **Goal:** Encourage the responsible, appropriate use of all-terrain and off highway vehicles.

- 16.1 **Objective:** Identify appropriate routes for OHV and ATV use.

- 16.1.1 **Strategies:** Using GPS and GIS technology, produce centerline data and maps of all existing rights-of-way.

- 16.1.2 **Strategy:** Cooperate with the Utah Association of Counties to inventory rights-of-way, and to seek final recognition by federal agencies of their existence.

- 16.1.3 **Strategy:** Cooperate with local clubs and organizations to identify appropriate routes to be designated OHV/ATV open.

- 16.1.4 **Strategy:** Prepare maps and make presentations to the County Planning Commission for routes open to these uses.
- 16.1.5 **Strategy:** Prepare draft ordinances for presentation to the County Commission for route designations.
- 16.1.6 **Strategy:** Encourage education programs regarding the safe, responsible, and appropriate use of all-terrain and off-highway vehicles.
- 16.1.7 **Strategy:** Inform citizens that these are multi-use roads, not ATV only.

Lead Responsibility: County Planning Department, GIS Department.

Cultural and Historic Resources

Our cultural, paleontological, historic and prehistoric sites are treasured and need to be protected.

Before they can be protected they must be discovered and inventoried. Carbon County supports the use of the College of Eastern Utah and their associates as subject-matter experts to identify these treasures and assist in cataloging and protecting them . The skilled technical staff at the Price Office of the Bureau of Land Management and the Manti-LaSal National Forest Office should also be involved in the task of cataloging these sites.

The current interest in gas production in the Nine Mile Canyon area should be the spark to begin the process of cataloging portions of the east end of the County in a cooperative effort between the BLM and CEU. With the use of good science, best practices and common sense, the impacts from mineral development and site discovery can be acceptable.

We can meet our economic and energy needs while preserving other resources. The degradation of rock art in Nine Mile Canyon can be mitigated by paving the County road. We can find no evidence of damage by livestock grazing. There has, however, been recent damage to Native American burial sites in Jack Creek, near the Green River. Vandalism and theft of these resources is our main concern. It may never be

possible to entirely stop these activities, but the education of the public, including river runners, coupled with a working relationship between federal land managers, the County Sheriff, and other local law enforcement agencies will be the best deterrent.

17. **Goal:** The protection of all cultural and historic sites in the County.

17.1 **Objective:** Identify all cultural and historic sites on federal land in the County.

17.1.1 **Strategy:** Create a team consisting of representatives of all involved parties.

17.1.2 **Strategy:** Encourage federal agencies to work with the College of Eastern Utah and other governmental and private agencies to discover and catalog these resources.

17.1.3 **Strategy:** Encourage the College of Eastern Utah to identify and catalog these resources if BLM and the Forest Service do not have funds for this purpose.

17.1.4 **Strategy:** Support full funding of the CEU Prehistoric Museum and all museums in the areas as repositories of locally discovered resources.

18. **Goal:** Protect all cultural and historical sites in the County.

18.1 **Objective:** Prioritize the importance of, and prospects for, protecting these sites.

18.1.1 **Strategy:** When discovered, take action to inventory and protect the resource.

18.1.2 **Strategy:** Require either BLM or the Forest Service, on whose land the cultural and/or historical site is located, to provide the County with a map of the specific area needing protection.

18.2 **Objective:** Pave the Nine Mile Canyon Road to increase visibility, protect the health of the visitor, decrease the degradation of the rock art, and decrease damage to forage and agriculture products caused by dust.

18.2.1 **Strategy:** Identify funding and material sources to prepare and pave the road.

18.2.2 **Strategy:** Cooperate with state and federal governments to finance, construct and maintain road improvements.

18.2.3 **Strategy:** Obtain funding for the paving of the road.

18.2.4 **Strategy:** Pave the road and maintain it as a County road.

Lead responsibility: Carbon County Commission, Planning Department.

Noxious Weed Control

Noxious weed control and eradication is a top priority for the County. Our Noxious Weed Control Plan was adopted in 1998 and is kept current. Our Maintenance and Abatement Department has responsibility for implementation and enforcement. Federal land managers have recognized their responsibility to prevent the spread of noxious weeds. We are a strategic transportation corridor for weeds via intra- and inter-state transportation. Weeds are also spread by agriculture, developers, wildlife, light and heavy equipment, and recreation activities.

Noxious weeds must be controlled to reduce costs and impacts to taxpayers, property owners, livestock operators, farmers, hunters, fishermen and backpackers.

Goals, Objectives and Strategies

19. **Goal:** Eliminate noxious weeds in the County.

19.1 **Objective:** Comply with the Utah Noxious Weed Act and County Ordinance.

19.1.1 **Strategy:** Assist federal land agencies in identifying, preventing and suppressing noxious weeds.

19.1.2 **Strategy:** Control the spread of noxious weeds.

19.1.3 **Strategy:** Prevent the establishment of new infestations.

19.1.4 **Strategy:** Eradicate species of noxious weeds where possible.

19.1.5 **Strategy:** Contain areas of infestation.

19.2 **Objective:** Increase awareness of the potential devastation to our economy from the spread of noxious weeds.

19.2.1 **Strategy:** Educate citizens and visitors on the positive aspects of managing noxious weeds.

19.2.2 **Strategy:** Improve knowledge of weed identification through color brochures and other media, such as the Internet.

19.2.3 **Strategy:** Schedule public meetings to inform the public, local governments, and other government agencies.

19.3 **Objective:** Increase training for federal land managers in the management, control and eradication of noxious weeds.

19.3.1 **Strategy:** Use all resources available including Utah State University Extension Services, The County Maintenance and Abatement Director and staff, to cooperate in training federal personnel.

19.3.2 **Strategy:** Schedule regular training sessions and develop communications networking to keep managers informed.

Lead Responsibility: County Maintenance and Abatement Department, USU Extension Agent, US Forest Service, Bureau of Land Management.

Recreation and Tourism

The economic impact to the County from recreation and tourism is growing slightly, but is not expected to reach as high a level in the foreseeable future as in some Utah counties. In fact, there is fear of some negative economic impact from recreation and tourism due to increased demand from local search and rescue and emergency medical services. Any social-economic impact studies by federal agencies should

address the relationship of revenue from recreation and tourism to the actual costs to local and state governments for emergency and other services. The cost-to-benefit ratio can then be considered in future actions and efforts.

Non-resident visitors to the area are often unaware of the relationship between residents and the land. Visitors are often from densely populated areas and have lost their connection to the land. They return or visit to seek that connection. Their perceptions are often clouded by incomplete information. Many local residents also are not fully informed of the nature of their relationship to our land. This problem should be addressed by more fully educating the public.

As a direct beneficiary of FLPMA's multiple-use mandate, Carbon County is determined to guard, uphold and demand compliance with the multiple-use mandate and all that it stands for, namely: that mineral extraction, grazing and other uses co-exist side-by-side with recreation values, and that BLM and Forest Service's so-called recreation values, interests and goals not be employed as an excuse to forge *de-facto* wilderness policies on public lands without Congressional approval, or otherwise discontinue or eliminate mineral extraction, grazing and other uses without Congressional approval. Areas where mineral extraction, grazing and other uses are now taking place can also be important for use as recreation areas. Public recreation use such as OHV riding, backpacking, hunting and horse back riding can coexist with these uses. Education to inform the public that these uses are equal, that mineral extraction is being done responsibly, and that grazing can improve ranges and reduce fire danger, will mitigate some land use conflicts.

We must continue to plan for recreation and tourism. County plans should accommodate every type of recreation: backpacking, hiking, horseback riding and packing, cycling, 4-wheeling, off-roading, ATV and OHV-ing, camping, boating, hunting, fishing, sight seeing, etc. We will also plan to accommodate all types of users: young, old, fit, disabled, local and visitor alike. Everyone should be able to enjoy the outdoors.

Tourism is entirely dependant on access. No development of our potential can be accomplished without proper access. Decisions should involve mayors, and should address concerns of our cities and towns. Access is the key to full implementation of our plans. Even in primitive recreation areas, some road access is critical to enable emergency vehicles and crews to stage their rescue operations as nearby as possible. The cost for emergency services should be considered by federal managers when contemplating recreation use in primitive areas. Adjacent private land interests will always be taken into account by the County.

The County will build on existing partnerships and develop new ones to accommodate tourism on the Huntington Eccles Scenic Byway, Nine Mile Canyon, and other appropriate areas of interest on public lands. We will cooperate with local, state and national media to relay a positive message to potential visitors. We will emphasize that their visitation can coexist with energy production, grazing, logging and other land uses, other than just in primitive recreation areas. People can have fun, yet not negatively affect the land, water and wildlife.

20. **Goal:** Promote local recreation opportunities.

20.1 **Objective:** Better inform our citizens and visitors of the local recreation opportunities.

20.1.1 **Strategy:** Encourage the printing and distribution of maps which depict the various recreational uses on public lands in the County.

20.1.2 **Strategy:** Use maps and other literature to educate land users about the concept of zoning and how it applies to various uses. We recognize that not all uses are appropriate in all areas.

20.1.3 **Strategy:** Encourage federal managers to allow multiple uses where possible, including industrial areas where safety concerns are mitigated by fencing, etc.

20.2 **Objective:** Ensure public safety on public lands.

20.2.1 **Strategy:** maintain adequate planning for the ability to provide law enforcement, emergency fire, rescue and other services to visitors on public lands.

20.2.2 **Strategy:** Form a working group to review emergency service

20.2.3 **Strategy:** Use inter-local and inter-agency agreements to provide planning and funding of emergency services on public lands.

20.3 **Objective:** Develop a positive working relationship between all interested and affected parties in public lands recreation.

- 20.3.1 **Strategy:** Involve municipal governments, local clubs, groups, the chamber of commerce, travel bureau, business interests and subject matter experts in planning.
- 20.3.2 **Strategy:** Form ad-hoc committees to address specific topics, then transmit recommendations to federal agencies after review by County Commission
- 20.3.3 **Strategy:** Continue refining the County trails plan and designate uses on public rights-of-way.
- 20.3.4 **Strategy:** Assist local developers in researching and formulating business plans, proposals and projects to develop a better tourism infrastructure.
- 20.3.5 **Strategy:** Encourage air carriers and guide services to base operations in the County and at our airport, or at other strategic nearby locations.
- 20.3.6 **Strategy:** Involve local industry in actions that could affect them.

Lead responsibility: County Commission, Mayors, USFS, BLM, Economic Development, Travel Bureau, Chamber of Commerce, Recreation Director, Sheriff, Ambulance Department, Fire Chiefs, Airport FBO, Planning Department.

Threatened and Endangered Plants and Species

The State of Utah Department of Natural Resources, Division of Wildlife Resources, has authority to manage all fish and wildlife in the State, including Carbon County. Any species which are considered to be sensitive by the Division of Wildlife Resources, such as Sage Grouse, shall be given consideration for protection of habitat in planning decisions. Conditional use and other permits shall be reviewed with this goal in mind.

The listing of species should be based on good science, including analysis of the status of the plant or species, a peer review, and a study of the plant or species' range, population trends, and threats. The Secretary of the Interior or Agriculture must then determine if the petition has sufficient biological information to support a recovery plan.

Also, private property owners should not be persecuted and have their property rendered valueless when species are found on or near their property.

21. **Goal:** Ensure that sensitive species do not become listed as threatened or endangered.

- 21.1 **Objective:** Support reasonable planning and measures to mitigate impacts from development.

21.1.1 **Strategy:** As appropriate to the situation, consider sensitive species' habitat when reviewing development permits.

21.1.2 **Strategy:** Require a habitat review when appropriate to the proposed development location, using the mapping and expertise provided by UDWR, and other agencies.

22. **Goal:** Encourage Congressional reform of the Endangered Species Act.

- 22.1 **Objective:** Work with applicable agencies to clarify the County position on this matter.

22.1.1 **Strategy:** Inform our Congressional delegation of our position.

22.1.2 **Strategy:** Encourage a State law or revision of the ESA to provide a landowner an incentive program to perform measurable actions, such as razing and removal of pinion and juniper and grass seeding to provide rangeland and habitat.

23. **Goal:** Support the de-listing of the wolf as an endangered species, so that proper control measures can be used in management of wolf populations by the UDWR.

- 23.1 **Objective:** Develop a plan for mitigation of depredation by wolves.

23.1.1 **Strategy:** Support Utah HB 157, control of wolf population and HJR 12, wolf management plan.

23.1.2 **Strategy:** Support the removal of Interstate 70 as the dividing line between Mexican and Northern wolf habitat.

24. **Goal:** Ensure prior to decision making that federal agencies whose actions will negatively impact public and adjacent private landowners that they are using data that complies with the Federal Data Quality Act.
25. **Goal:** Support the management of proposed and listed threatened and endangered plants and species in a manner which offers the best chance of recovery of the plant or species.

25.1 **Objective:** Closely monitor proposed agency actions.

25.1.1 **Strategy:** Submit comments, when appropriate, regarding data, economic impacts and pertinent issues when actions are proposed.

25.1.2 **Strategy:** Request that a takings implementation assessment be completed when proposed actions affect private lands.

Lead responsibility: County Commission and Planning Department.

Grazing Permits and Rights

The economics, custom and culture of the County and our region are important aspects of who we are and what we represent. Visitors to, and prospective residents and industries of the County will be able to identify with a heritage of hard work not only in our mines and gas fields, but of stewardship of land and water. The grazing of sheep and cattle are an integral part of our place in history and the future. There are many positive benefits from proper grazing, such as reduction of fire loads, healthy forage on the range, and functioning water sheds. Rather than expend resources on conflict over wildlife vs. livestock, the County will encourage the improvement of forest and range health to provide more forage for both livestock and wildlife. The cost of improvements to public rangelands is born by the permit holder, and the water rights associated with the permit are used beneficially by the livestock. The County supports the ownership of improvements to public rangeland and water rights by the permit holder as collateral.

The County adamantly opposes grazing buyouts and other maneuvers, whether for recreation, wilderness values, or otherwise which cause, encourage, result in or bring about the retirement, non-use, or other effective reduction of AUM's devoted to livestock grazing uses, as mandated by the Taylor Grazing Act.

The County supports federal actions to improve rangeland and forest health which are based on science and the Federal Data Quality Act. The use of good science when monitoring range and forest health and in decision making is essential to the continuing multiple use of these lands. We support revision of CFR 4100 as proposed by the Public Lands Council.

The County supports the cooperation of federal agencies with industry and trade associations to monitor forest and rangeland, and will work with land users to ensure that activities do not degrade watersheds, forest and range health for wildlife or livestock. The County supports the legislative institution of grazing advisory boards. Such boards, consisting of local grazers appointed by the County Commission, should be used to set policy on a local basis.

26. **Goal:** Ensure the continuation and expansion of livestock grazing on federal lands.

26.1 **Objective:** Determine past grazing use in order to assure an equal level of grazing is maintained.

26.1.1 **Strategy:** Research the background of all federal grazing permits in the County, including amounts allocated to wildlife in the original Taylor Grazing Act and in subsequent actions.

26.1.2 **Strategy:** Identify permit Animal Unit Month's that are inactive, or that may be illegally used.

26.1.3 **Strategy:** Inform legitimate livestock associations and operators of inactive or available permits, and encourage their application for use for livestock grazing.

26.1.4 **Strategy:** Inform federal land agencies of the County's position on this issue, and continue to monitor the status of grazing.

26.1.5 **Strategy:** Inform our state and federal legislators of the County's position, and encourage law and rule making to codify vested property rights.

26.1.6 **Strategy:** Prohibit the retiring of grazing permits for conservation use on lands found chiefly valuable for grazing by the Taylor

Grazing Act, per US Department of Interior Memo M.37008, dated October 4, 2002.

26.1.7 **Strategy:** Require that any such grazing permits mentioned in strategy 26.1.6 above, be instead offered to local ranchers first.

27. **Goal:** Ensure rangeland health, forage, and grazing stability on public lands.

27.1 **Objective:** Promote the use of good science to establish data used in rangeland decision making.

27.1.1 **Strategy:** Require use of practices found to be qualitative and quantitative, supported by third party range biologists.

27.1.2 **Strategy:** Support a holistic approach to range management.

27.2 **Objective:** Utilize sound range management practices.

27.2.1 **Strategy:** Use livestock grazing as a range management tool to control decadent grasses and weeds.

27.2.2 **Strategy:** Support the treatment by riling, controlled fire and other means to remove pinion and juniper, conifers, and other forage which reduces watershed efficiency and habitat.

27.2.3 **Strategy:** Allow timbering and the gathering of firewood prior to burning.

27.2.4 **Strategy:** Encourage seeding and other means to increase under story and aspen.

Lead responsibility: County Commissioners, Planning Department and grazing boards.

Water Rights and Use

The State of Utah, under the Equal Footing Doctrine, has sovereignty over water. Also under the Mining Act of 1866, and as amended in 1877, Congress determined that states had dominion over water under the Prior Appropriation Doctrine. Water rights on

Federal Lands

federal lands can be held only by a beneficial user, as per State law. The State Engineer for water rights enforces laws requiring beneficial use.

Most users of the water that originates on federal lands are irrigation companies, local governments, industry or livestock grazers. Recently, special interest groups have attempted to buy grazing leases and water rights, then retire them for conservation. Water rights cannot be held for conservation use, except by the Utah Division of Wildlife Resources, and the Utah Division of Parks and Recreation, who may purchase water rights with funds specifically approved by the Legislature. They may also accept donated water rights. Although water is heavily used on public lands by deer, elk, rodents, birds, and other mammals and aquatic life, none has been appropriated to wildlife by the State.

Federal interests in water for storage reservoirs are protected. As a sovereign entity, the federal government may exercise only those powers over water which is granted by Congress. As a proprietor of lands, the federal government may hold water rights which are used beneficially by them, as per Utah law. The federal government can control navigation on navigable waters.

Riparian areas are the arteries of our County. They are the areas of deciduous trees and shrubs between the streams and conifer forests or brush lands. We must rely on the grazers, industry and other land and water users to ensure that water quality is maintained in these areas.

28. **Goal:** Ensure that federal agencies recognize the State of Utah's sovereignty over water.

28.1 **Objective:** Ensure that private water rights are protected from challenge by special interest groups and governmental agencies.

28.1.1 **Strategy:** Identify water rights on public lands in the County through the State Engineer, as needed.

28.1.2 **Strategy:** Notify water rights owners and beneficial users of water on public lands of the current status of these rights, and encourage their continued diligence in maintaining their rights.

- 28.2 **Objective:** Ensure that BLM and Forest Service plans are consistent with the State's and Carbon County's plans for the future needs of culinary, agricultural, industrial, livestock and wildlife water on public lands.
 - 28.2.1 **Strategy:** Identify present and future water needs by cooperating with the UDWR, farm and ranch organizations, industry and businesses.
 - 28.2.2 **Strategy:** Compile information on present and future water needs on public lands to ensure the accuracy of federal water planning.
- 28.3 **Objective:** Construct the maximum possible number of water diversions, small reservoirs, ponds and other facilities for the storage and use of water for humans, agriculture, industry, commerce, livestock and wildlife.
 - 28.3.1 **Strategy:** Identify new water development projects.
 - 28.3.2 **Strategy:** Pursue the planning, engineering, financing, construction and operation of new water storage reservoirs.
 - 28.3.3 **Strategy:** Cooperate with federal agencies in the planning, financing and construction of ponds and wildlife guzzlers.
 - 28.3.4 **Strategy:** Encourage natural ponds, such as beaver ponds, when suitable.
- 28.4 **Objective:** Work with the federal government to promote conservation of water through such means as public education programs, the lining of canals, and the installation of pipelines.
- 29. **Goal:** Support the use of good science by federal and state agencies to ensure that riparian areas are functioning on public lands.
 - 29.1 **Objective:** Support Utah State University Extension and other experts in assisting permit holders and land users to monitor conditions in riparian areas, in both grazed and non-grazed areas.
 - 29.1.1 **Strategy:** Require that the Federal Data Quality Act be applied to any studies of riparian areas.

- 29.1.2 **Strategy:** Encourage the Bureau of Land Management to sign a cooperative rangeland monitoring program assessment with the Public Lands Council and the National Cattlemen's Beef Association.
- 29.1.3 **Strategy:** Communicate with federal land managers and grazers periodically to stay informed of current conditions.
- 29.1.4 **Strategy:** Consult with independent subject matter experts in controversial cases to determine conditions, impacts, and/or proper mitigation.
- 29.1.5 **Strategy:** Seek input involving water use and rights on grazing allotments from involved permit holders and any grazing boards chartered by state or local government.

Lead responsibility: Planning Department.

Law Enforcement

The elected Sheriff is the chief law enforcement officer in the County. He derives primary jurisdiction and authority over law enforcement matters in Carbon County, by virtue of the state Constitution, state Statute, County Ordinance, and the voters. It is in the best interest of Carbon County and its citizens that the County Sheriff assert this authority on all Carbon County lands, public or otherwise, and continue exercising such authority if in his best judgment such is called for, despite any contrary or inconsistent request, demand or opinion from any federal agency or officer. This policy objective is enhanced if the Sheriff and corresponding federal and state law enforcement agencies notify each other immediately concerning any law enforcement activities on public lands. The Sheriff must be notified of all law enforcement actions on federal public land in the County.

- 30. **Goal:** Ensure that the Sheriff or his deputies are the chief law enforcement officers on public lands
 - 30.1 **Objective:** Require that civil or criminal activities on public lands are investigated by the sheriff.

30.1.1 **Strategy:** Notify federal agencies that they shall perform their duties under the authority and direction of the County Sheriff.

30.1.2 **Strategy:** Solicit and execute an agreement or Memorandum of Understanding with federal land management agencies which outlines funding, duties and responsibilities of all parties.

30.1.3 **Strategy:** Require that federal agents are held to the same standards and laws as any citizen or person.

Lead responsibility: Carbon County Sheriff.

Areas of Critical Environmental Concern (ACEC)

Areas of Critical Environmental Concern (ACEC) are defined statutorily in FLPMA Section 1702(a), as: “areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent *irreparable damage* to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.”

The ACEC statutory definition shows that Congress put restrictions on the use of ACEC designation. The use of ACEC designation should not exceed those limitations.

Even if a threatened negative effect on a relevant value rises to the level of outright *damage*, ACEC designation is still inappropriate when the threatened *damage* is temporary or reclaimable. The threatened negative effect on a resource value must rise to the level of *irreparable damage*, i.e. damage that cannot be reclaimed.

Since typically historic uses, i.e. grazing, recreation, and oil or gas drilling may arguably have a temporary effect on that land’s perceived scenic value, it is highly speculative and subjective to claim that these actions will actually do *damage* to that value. Nor can it be claimed under any objective criterion, that such actions will necessarily *damage* that scenic value *irreparably*. It is widely accepted that the vast majority of these actions are capable of complete reclamation or recovery.

31. **Goal:** Ensure that the use of ACEC designation is in accordance with FLPMA Section 1702(a) and the intent of Congress.

- 31.1 **Objective:** To ensure that the phrase “special management attention” in the ACEC definition is used as Congress intended, so that the ACEC designation as a tool is used only in a surgically limited and targeted manner, not as an attempt to create an administrative withdrawal of lands from multiple use.
- 31.1.1 **Strategy:** Monitor decisions of land management agencies by critiquing the criteria used by them in establishing a decision.
- 31.2 **Objective:** Disallow federal management layering which reduces or curtails multiple use by presumptive means.
- 31.2.1 **Strategy:** Protest the use of combining management tools such as VRM classifications and the SRMA classifications with ACEC, which obstructs multiple use and creates legal problems under FLPMA.
- 31.2.2 **Strategy:** Report to the House and Senate for potential veto under 43 U.S.C. subsection 1712(3)(2) any ACEC with multi-layer protection, which eliminates one or more major uses for two or more years on tracts of public land in excess of 100,000 acres.
- 31.2.3 **Strategy:** Regardless of the size of the affected land, report to the House and Senate any combination of the foregoing management tools which eliminate major uses such as oil and gas exploration that arguably constitute a withdrawal triggering FLPMA's withdrawal provisions.
- 31.3 **Objective:** To prevent ACEC designations or a combination of management tools together with ACEC designation that would violate Congressional intent or any previous agreements with the Secretary of the Interior by creating *de facto* wilderness.
- 31.3.1 **Strategy:** See that any designation does not violate the April 2003 Wilderness Settlement Agreement, which made no provision for the *management* of wilderness characteristics.
- 31.3.2 **Strategy:** Inform the agency of the Settlement Agreement, particularly page 14 paragraph 7 where it speaks only of BLM's

possibly *inventorying* under Section 201 for characteristics that are associated with the concept of wilderness. But as page 7 paragraph 13.b of the Settlement Agreement and FLPMA Section 201(a) so clearly provides: “The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.” 43 U.S.C _ 1711(a).

31.3.3 Strategy: If agency notification does not relieve the violation, then be prepared to protest to a point that does not rule out support for litigation of the violation.

Lead responsibility: County Commission and Planning Department.

Watersheds

Carbon County is unique in that we have no potable water aquifers in our valley. We rely on the Price River drainage and Grassy Trail to provide all of our useable water.

Threats to our watersheds, and thus our health and existence as a community, include but are not limited to forest fires, erosion, pollution and any reductions of our water supplies.

32 Goal: Maintain and improve our fresh water supplies and watersheds.

32.1 Objective: Increase our watershed production capabilities.

32.1.1 Strategy: Prevent forest fires in watersheds by the use of proper logging and thinning.

32.2 Objective: Maintain our present watershed and storage capacities.

32.2.1 Strategy: Oppose construction of the Gooseberry Narrows Project on our Fish Creek Drainage.

32.2.2 Strategy: Support the installation and maintenance of electronic monitoring in the Gooseberry area.

- 32.2.3 **Strategy:** Support the use of watershed management as opposed to corridor management, such as is used in Wild and Scenic Rivers designations.

Lead responsibility: County Commission and Planning Department.

Conservation Easements

Although conservation easements begin innocently enough as a way for landowners to provide access to streams, recreation and other lands and waters that the public would not normally have access to, and to preserve some wetlands, wildlife habitat and open space, they can become a tool of special interest groups, some politicians, social engineers and well-meaning but unknowing bureaucrats to erode private property rights.

Some citizens believe that this program is the way to save farms, ranches, forests and open lands; some citizens are not presented with all the consequences and ramifications prior to agreeing to these easements. Property owners might make other choices if they knew how to preserve their full estate by other means. Farms and ranches might be saved by the restructuring of tax codes to encourage farming and ranching. A more futuristic plan to protect private property owners would be to pay them to expand and maintain habitat for wildlife and threatened species.

Also, conservation easements should not extend beyond the life of the grantor.

33. **Goal:** County Commissioners or staff will attempt to talk with each property owner considering placing their property into a conservation easement prior to their doing so.

- 33.1 **Objective:** Determine if the property owner is in fact a willing seller who understands all the options and consequences upon themselves and future generations.

- 33.1.1 **Strategy:** Require all federal and state agencies to notify the County of pending conservation easements on private land in Carbon County.

- 33.1.2 **Strategy:** Contact the private land owner and request that they meet with the County Commissioners or staff .

33.1.3 **Strategy:** Commission or designated staff will inform the land owner verbally and by documented information of the impacts and regulations governing 'split estate' conservation easements.

Lead Responsibility: County Commission and Planning Department.
